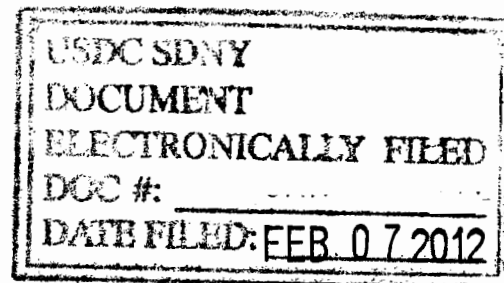


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA

-v-

ALBERTO WILLIAM VILAR and  
GARY ALAN TANAKA,

Defendants.

No. 05 Cr. 621 (RJS)

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

-v-

AMERINDO INVESTMENT ADVISORS  
INC., *et al.*,

Defendants.

No. 05 Civ. 5231 (LTS)

ORDER

LAURA TAYLOR SWAIN, District Judge, and RICHARD J. SULLIVAN, District Judge:

By joint Order dated January 13, 2012, the Court directed the parties in the above-captioned cases, as well as investors who have communicated with the Court regarding asset distribution, to respond to the Court's proposed structure for distribution of assets currently subject to the Court's November 9, 2010 Order of Forfeiture of Substitute Assets (the "Substitute Assets Order") no later than January 27, 2012. The Court is now in receipt of the following submissions, all received on January 27, 2012: (1) a letter from Defendant Vilar; (2) a letter from Defendant Tanaka; (3) a letter from the government; (4) a letter from the Securities and Exchange Commission; (5) a letter from Peter Lusk; (6) a letter from Alfred Heitkonig; (7) a letter from the Mayer family; and (8) a letter from Paul Marcus and Dr. Ronald Salvitti. The

Court is also in receipt of an additional letter from Mr. Marcus and Dr. Salvitti, dated February 2, 2012, which responds to certain proposals set forth in Mr. Vilar's letter. The submissions set forth a variety of proposals for distribution through consensual arrangements, including the appointment of a receiver or other administrator, of the seized assets. However, it appears that more information regarding the universe of available assets and claimants is needed in order to determine whether negotiations toward consensual arrangements for distributions to investors could be productive at this juncture.

Accordingly, IT IS HEREBY ORDERED THAT the Office of the United States Attorney and the SEC (the "Government Entities") shall consult with each other and shall file and serve on all parties to these proceedings and the representatives of the investors who have thus far made written submissions to the Court in connection with either proceeding, the following:

- (1) As to each of the entities and financial accounts identified in the Substitute Assets Order (the "Substitute Assets"), a list of all entities and individuals, known to the Government Entities, who are likely to have claims against such entity or account, as investors or in any other capacity. The list shall be based on the information currently available to the Government Entities, and shall identify the information relied upon in the identification of each such likely claimant; and
- (2) As to each of the Substitute Assets, its current value based on the information currently available to the Government Entities. The Government Entities shall identify the source and basis of the valuation information supplied with respect to each Substitute Asset; and
- (3) The most recent account balance available for each potential investor-claimant, specifying the date of the relevant account statement or other source of information relied upon, and setting out the type(s) of investment(s) held by each such person, and the separate balances, to the extent available, for each type of investment. The government may redact any personal identifiers and all but the last four digits of

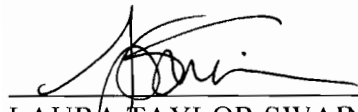

financial account numbers as to particular account holders if it deems such action necessary. An unredacted version shall also be submitted to the Court for filing under seal.

The submission shall be directed to both Judge Sullivan and Judge Swain so as to be received no later than February 21, and shall be captioned with both case titles and docket numbers and filed on the ECF system.

The Clerk of Court is respectfully requested to docket this order in each of the above captioned cases and to mail a copy of the order to Mr. Gary Alan Tanaka. The SEC is directed to provide copies of this order to Patrick W. Begos, Esq., Julian W. Friedman, Esq., John Preetzmann Aggerholm, Esq., Mr. Alfred Heitkonig, Thomas J. Hall, Esq. and Timothy Wright, Esq. promptly by fax or similarly rapid mode of delivery.

SO ORDERED.

Dated: February 6, 2012  
New York, New York

  
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LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE  
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RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE